

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

KENNETH WHITE,	)	CASE NO. 5:22-cv-130
	)	
PLAINTIFF,	)	JUDGE SARA LIOI
	)	
	)	MEMORANDUM OPINION AND
	)	ORDER
vs.	)	
	)	
BARRINGTON GOLF CLUB, <i>et al</i> ,	)	
	)	
DEFENDANTS.	)	

On July 15, 2022, the Court instructed plaintiff to show cause in writing as to why this case should not be dismissed for want of jurisdiction or for failure to prosecute pursuant to Fed. R. Civ. P. 4(m). (Doc. No. 10 (Show Cause Order).) Plaintiff filed his response on August 2, 2022 in a document styled “Motion to Oppose Docket #10 Dismissal for Want of Jurisdiction or Failure to Prosecute Under Fed. R. Civ. P. 4(m).” (Doc. No. 11.) With respect to the issue of service, plaintiff represents that the claims in his amended complaint have merit, and, therefore, he asks this Court to forward his pleading to the United States Marshals for service on defendants. (*Id.*, at 4.)

If a litigant is granted *in forma pauperis* status, the United States Marshals Service serves the complaint. 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3). Plaintiff, however, paid the full filing fee of \$402.00 and moved to withdraw his motion to proceed *in forma pauperis*. (Doc. No. 7.) On July 15, 2022, the Court granted his motion to withdraw his request for *in forma pauperis* status. (Doc. No. 9.) Plaintiff, therefore, is required to serve defendants in accordance with Fed. R. Civ. P. 4(c)(1) & (m).

Rule 4(m) requires service to be completed within 90 days. Although more than 90 days have passed since this action was initiated, plaintiff did not pay the filing fee until June 24, 2022. The Court will, therefore, grant plaintiff additional time to perfect service on defendants.

Accordingly, plaintiff is instructed to cause defendants to be served as required by Rule 4, and provide proof of service to the Court, by January 5, 2023. He is cautioned that if proof of service has not been filed by that date, this action will be dismissed without prejudice against any defendant who has not been properly served. Plaintiff's motions for the U.S. Marshals to serve his complaint and for return of his filing fee (Doc. Nos. 11 and 12) are DENIED.

**IT IS SO ORDERED.**

Dated: November 10, 2022

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**